

MINUTE ENTRY December 6, 2004

9:25 a.m.

UNITED STATES OF AMERICA -v- ZHU, LIAN KUN

PRESENT: Hon. Alex R. Munson, Chief Judge
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Clerk of Court
Patrick Smith, Assistant U. S. Attorney
F. Matthew Smith, Court appointed attorney for Defendant
Zhu, Lian Kun, Defendant

PROCEEDINGS: JURY TRIAL - Day Two

Government by Patrick Smith, AUSA. Defendant was present with F. Matthew Smith, Court appointed counsel. Defendants' Interpreter/Translator, Jean Shi was present. Also present was Ray Renguul. 12 regular jurors and 2 alternate jurors were present. (Two of the original four alternate jurors were excused.)

Court gave an introduction to the trial in this case to the jurors.

Government began opening statement at 9:40 a.m. and finished at 9:55 a.m. Defense began their opening statement at 9:55 a.m.

A recess was taken at 10:05 a.m. for the Court to view a video/audio tape that was prepared by Defense. All counsel reviewed the video/audio tape to be shown to the jury. Government objected to the viewing of the tape by the jury on a 403 motion. Defense argued. Court denied the use of the audio/video tape.

Defense continued with his opening statement and finished at 10:25 a.m.

Government called witness:

RAY RENGUUL. (DEA task force agent). DX. Reference to Ex. 3501A. Reference to Ex. #1 - .34 grams of ice. Government offered Ex. 1B into evidence, there being no objection, Court so ordered. Government offered Ex. 1 into evidence, there being no objection, Court received it conditionally.

Court recessed at 10:55 a.m. and reconvened at 11:15 a.m.

Government continued with the DX of witness Renguul. Reference to Ex. #2 - 2.5 grams of ice. Reference to Ex. 2B. Government offered Ex. 2 and Ex. 2B into evidence; there being no objection, Court so ordered. Court stated that Ex. 2 would be received conditionally.

Court excused the jurors for lunch at 11:45 a.m. and ordered that they return at 1:30 p.m.

Outside the presence of the jurors, Government addressed matters pertaining to the testimony of an expert witness, a video tape, and translation. Defense objected to the transcript. Court denied the use of the transcript.

Court recessed for lunch at 11:50 a.m. and reconvened at 1:38 p.m.

Government continued with the DX of witness Renguul and concluded at 1:55 p.m. Defense began CX of witness Renguul.

Court recessed for afternoon break at 2:45 p.m. and reconvened at 3:08 p.m.

Defense continued with CX of witness Renguul. Government began RDX at 3:25 p.m. Witness Renguul was excused.

Government called witness:

DEBORAH MUUSERS. (DEA task force agent). DX. Defense began CX of witness Muusers. Witness Muusers was excused.

Government called witness;

PAUL OGUMORO. (Investigator). DX. Government offered Ex. 6 into evidence; there being no objection, Court so ordered. Defense began CX of witness Ogumoro at 4:18 p.m. and finished at 4:19.

Government called witness:

DIWAIN STEPHEN. (DEA task force agent). DX. Government offered Exhibits 22, 23, 24, and 25 into evidence; there being no objection, Court so ordered. Government offered Exhibits 13, 14, 15, 16, 17, 18, 19, 20, and 21 into evidence; there being no objection, Court so ordered. Defense began CX of witness Stephen at 4:28 p.m. and concluded at 4:30 p.m.

Court excused the jurors for the evening at 4:30 p.m. and ordered them to return tomorrow morning at 9:00 a.m.

Adjourned at 4:33 p.m.

; [TTP EOD 12/07/2004]